

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:07-cv-00174-H

LILIANA MARTINEZ-HERNANDEZ)
and ULDA APONTE, both individually)
and on behalf of all other similarly)
situated persons,)
)
Plaintiffs,)
v.)
)
BUTTERBALL, LLC,)
)
Defendant.)
)

ORDER

This matter is before the Court upon the *Defendant's Motion to Seal Exhibit C to Defendant's Motion for Decertification ("Motion to Seal")* [DE # 463] on the grounds that:

- Exhibit C [DE #462] is a comprehensive list of personal production equipment worn by Butterball's production employees at Butterball's Mt. Olive Turkey Processing facility. That the information is specific to Defendant's commercial operations, competitively sensitive to Butterball, and considered by Butterball to be a trade secret as defined by *N.C. Gen Stat. § 66-152*;
- The release of this document would provide competitors with an unfair business advantage;
- Defendant's motion to seal is narrowly tailored to protect only those documents and/or portions of documents where a compelling reason to seal the documents exists from a commercially sensitive business and contractual perspective;

- There is no adequate alternative to sealing this document, as the filing of this document would defeat its commercially sensitive and confidential nature;
- The confidentiality of this document has been preserved during the course of this litigation;
- The public does not already have access to this document;
- The release of this document would not provide any significant benefit to the public; and
- Thus, that Butterball's interest in preserving the confidentiality of this information outweighs the public's right to access this information.

IT APPEARING TO THE COURT disclosure of the information contained in this Exhibit may cause injury to Defendant; and

IT APPEARING TO THE COURT that good cause has been shown for the granting of the *Motion to Seal*; and

IT APPEARING TO THE COURT that the Defendant has demonstrated the necessity and propriety of sealing the document at issue and that alternatives to sealing would be insufficient; and

IT APPEARING TO THE COURT that Defendant's motion to seal is narrowly tailored to protect only those documents and/or portions of documents where a compelling reason to seal the documents exists from a commercially sensitive business and contractual perspective; and

IT APPEARING TO THE COURT that the requirements of *Stone v. University of Maryland Medical System Corp.*, 855 F.2d 178 (4th Cir. 1988) have been satisfied; and

IT APPEARING TO THE COURT that the Plaintiffs have no objection to the granting of this Motion;

IT IS NOW THEREFORE ORDERED that Defendant's *Motion to Seal* be GRANTED and that Exhibit C filed in support of *Defendant's Motion for Decertification* be filed under seal.

SO ORDERED, this the 23rd day of December, 2010.



David W. Daniel
United States Magistrate Judge